



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

October 8, 2008

Re.: Rule Change, Motorized Vehicle Use Policy, 2007-059 LG

Michigan Ski Area Operator,

As you are no doubt aware, new rules are in effect for motorized vehicles at ski areas.

These rules were developed through much effort by many people and are the country's most rigorous regulation of motorized vehicles at ski areas. Still, compliance with the new rules should not be onerous and there is already much that many areas have done to comply.

Motorized Vehicle Use Policy, R 408.62

The new rules were filed with the Secretary of State on September 25th, 2008 and are now effective. Rule 2 (R 408.62) is what is new and is attached as 2007-059 LG. It is integrated in the administrative rule set available from our web-site, www.michigan.gov/ski or directly from:
http://www.state.mi.us/orr/emi/admincode.asp?AdminCode=Single&Admin_Num=40800061&Dpt=LG&RngHigh=

Comment

It is to everyone's advantage for everyone to do as much as possible to comply in the short time available before this season, and to that end, the Department will work directly with areas to encourage and guide and to monitor the state of compliance.

Summary

The new administrative rules have three components: use policy, training and equipment.

Use Policy – Each ski area is required to prepare a document that defines when and how motorized vehicles are to be used at their area. The NSAA's "Snowmobile Operations Resource Guide (Catalog #3955) is specifically cited in the rule as a resource that must be consulted in the development of an area's use policy. This document and other resources are available for members and non-members of NSAA at (303) 987-1111 or nsaa@nsaa.org.

Training – The rules require that every operator of a motor vehicle on an open ski run be trained by the area in the area's use policy.

Equipment – Flashing red lights are required (grooming vehicles need yellow lights from the requirement in the Act). Also required are alarms and flags. It may take some effort to find a way to install flashing lights and alarms that last, but most have and everybody needs to have flags on whip antennas this season and be working on lights and alarms this season to fully comply next season.

Other Requirements – The new rule has several other requirements:

- Operators of motor vehicle on open ski runs must be at least 18 years old and have valid drivers licenses
- Maximum speeds are to be no more than is reasonable for the conditions
- Injuries and deaths involving motor vehicles on open runs must be reported
- No private snowmobiles are allowed on open ski runs
- Skiers and pedestrians have right of way whenever possible

Do not hesitate to contact me or your inspectors with questions about the new Motorized Vehicle Use Policy requirements.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Doman', with a stylized, cursive script.

D. Mark Doman, P.E.
Michigan Ski/Amusement Safety

cc: Andy Metcalf
Al Schefke
Joyce Karr
Ann Millben
Barrington Carr

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

DIRECTOR'S OFFICE

SKI AREA SAFETY BOARD

GENERAL RULES

Filed with the Secretary of State on September 25, 2008

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of labor and economic growth by section 6 of 1962 PA 199, and Executive Reorganization Order Nos. 1996-2, and 2003-1, MCL 408.326, MCL 445.2001 and MCL 445.2011)

R 408.62 is added to the Michigan Administrative Code as follows:

R 408.62 Motorized vehicle use policy.

Rule 2. (1) Ski area operators shall comply with all of the following with regard to the use of motorized vehicles on ski slopes, runs or trails open to the public:

(a) Ski areas shall have a written policy that addresses all of the following:

(i) The training required for anyone to operate an authorized vehicle on open ski slopes, runs, or trails. The training program shall be developed in consultation with the National Ski Areas Association's publication entitled "Snowmobile Operations Resource Guide, December 2005." The publication is available for purchase from the National Ski Areas Association, Member Services, 133 S. Van Gordon Street, Suite 300, Lakewood, CO 60226, Phone: (303) 987-1111, at a price of \$10.00 for members or \$50.00 for non-members. The publication may be viewed by appointment at the offices of the Bureau of Commercial Services, 2501 Woodlake Circle, Okemos, Michigan 48864, Phone: (517) 241-9228.

(ii) The recommended routes for motorized vehicles to follow when used on open ski slopes, runs, or trails.

(iii) The circumstances under which a motorized vehicle may be used on open ski slopes, runs, or trails.

(iv) The circumstances under which the alarm required in subrule (2)(d) of this rule must be utilized.

(b) Report to the department within 24 hours any injury or fatality involving a motorized vehicle on a ski slope, run, or trail.

(c) Prohibit the use of privately owned motorized vehicles in areas open to skiers.

(2) Motorized vehicles operated on ski slopes, runs, or trails that are open to the public shall be equipped with all of the following:

(a) Lights and brakes as required pursuant to MCL 324.82122.

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(b) For vehicles measuring less than 6 feet in height above the snow, a florescent flag measuring at least 40 square inches mounted at least 6 feet above the bottom of the tracks and visible from 360 degrees.

(c) A flashing or rotating red light conspicuously located on the vehicle, which must be operated while the vehicle is moving in the vicinity of a ski slope, run, or trail.

(d) An audible alarm capable of producing a minimum warning sound of 85 decibels to alert skiers or bystanders.

(3) Operators of motorized vehicles on ski slopes, runs, or trails shall comply with the following:

(a) Operate a vehicle at a rate of speed not greater than is reasonable for the conditions and as required pursuant to MCL 324.82126a and MCL 324.82126b.

(b) Be at least 18 years of age, possess a valid driver's license, and have completed mandatory training provided by the ski area that includes the safe use of motorized vehicles on ski slopes, runs, or trails when skiers are present, as established in the written policy required in rule 408.62(1)(a).

(c) Whenever possible, a vehicle operated on ski slopes, runs, or trails shall give skiers and pedestrians the right-of-way.